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In re United States Patent Application of:)	Docket No.:	4080-130
)		
Applicants:)	Patent No.:	
KEN CHANG, ET AL.)		
)		
Application No.:)	Date Issued:	
10/749,437)		
)		
Date Filed:)		
December 31, 2003)		
)		
Title:)	Customer No.:	23448
CARDIOPROTECTIVE)		
DELTA OPIOID RECEPTOR)		
AGONISTS AND METHOD)		
OF USING SAME)		

FACSIMILE TRANSMISSION CERTIFICATE**Fax No. (571) 273-8300**

I hereby certify that this document is being filed in the United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 21, 2006, via facsimile transmission to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

12

Number of Pages (including cover)

Steven J. Hultquist

May 21, 2006

Date

REQUEST FOR WITHDRAWAL OF ATTORNEYS OF RECORD (CUSTOMER NO. 23448) IN U.S. PATENT APPLICATION NO. 10/749,437 PURSUANT TO THE PROVISIONS OF 37 CFR 10.40

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Request hereby is made under the provisions of 37 CFR 10.40 for withdrawal of the undersigned (Registration No. 28,021) and attorneys associated with Customer No. 23448), as attorneys of record in the above-identified U.S. Patent Application.

The above-identified patent application is assigned to Ardent Pharmaceuticals, Inc. pursuant to an assignment recorded February 25, 2004 at Reel 015012, Frame 0100.

The undersigned has represented Ardent Pharmaceuticals, Inc. as patent counsel for the corporation (originally named Delta Pharmaceuticals, Inc.), beginning in 1996, and has rendered patent legal services to the corporation at the request of its officers Kwen-Jen Chang and Phillip Wise, for all patents and patent applications of the corporation including the above-identified patent, as well as foreign patents and patent applications in numerous foreign countries. Such services were at all times rendered with the understanding and expectation of payment, pursuant to a January 1, 1996 Attorney-Client Fee Contract involving issue of monthly invoices to Ardent Pharmaceuticals, Inc. Although patent legal services requested by Kwen-Jen Chang and Phillip Wise to be rendered in the United States and in foreign countries have been completed in a timely manner, and monthly invoices issued to Ardent Pharmaceuticals, Inc. for such services, the invoices issued since August 2005 have not been paid and total \$65,681.94 as of May 20, 2006. Although representations have been made by Kwen-Jen Chang and Phillip Wise that payments would be made and that funds would be forthcoming through various third parties, these invoices since August 2005 have not been paid, despite repeated requests to Kwen-Jen Chang and Phillip Wise for such payment.

Under these circumstances, the undersigned attorney spoke to Kwen-Jen Chang on May 8, 2006, and stated that the undersigned and his firm were withdrawing from representation and that (1) letters would be sent to foreign patent agents informing such agents that the undersigned and his firm were no longer representing Ardent Pharmaceuticals, Inc. and that all correspondence for Ardent Pharmaceutical, Inc. patent matters should be directed to Kwen-Jen Chang at his address, and (2) corresponding papers would be filed in the U.S. Patent and Trademark Office for withdrawal from representation, and directing USPTO communications for patent matters of Ardent Pharmaceuticals, Inc. to be sent to Kwen-Jen Chang at his address.

On May 18, 2006, a letter of the same date was received after business hours via facsimile in the office of the undersigned, as transmitted from Marianne Fuierer of the firm of Moore & Van

Allen, PLLC, stating that Mount Cook Biosciences, Inc. had purchased the intellectual property of Enhance Biotech/Ardent, and directing the files to be sent to Moore & Van Allen, PLLC. The letter was signed on behalf of "Enhance Biotech/Ardent" by Chris Every and on behalf of Mount Cook Biosciences, Inc. by Jay Lobell. A copy of such letter is attached in Appendix A hereof.

The undersigned attorney does not know any legal entity named "Enhance Biotech/Ardent" and no business entity status or identifier (corporation, limited liability partnership, etc.) was identified in the letter for "Enhance Biotech/Ardent." All patents and patent applications of Ardent Pharmaceuticals, Inc. subsist in the assignment records of the USPTO in the name of Ardent Pharmaceuticals, Inc. Attached in Appendix B hereof is a copy of an on-line listing for Ardent Pharmaceuticals, Inc. in the records of the North Carolina Department of the Secretary of State (<http://www.secretary.state.nc.us/corporations>), showing the status of the corporation as "Current-Active". Attached in Appendix C hereof is a copy of the search query results for a search for "Enhance Biotech/Ardent" in the on-line records of the North Carolina Department of the Secretary of State (<http://www.secretary.state.nc.us/corporations>), showing "No records Found."

In view of the fact that no instructions corresponding to those in the aforementioned May 18, 2006 letter had been received by the undersigned attorney from Ardent Pharmaceuticals, Inc., from either Kwen-Jen Chang or Phillip Wise, the undersigned attorney contacted Kwen-Jen Chang on May 20, 2006 and informed him of the letter received from Moore & Van Allen on May 18, 2006. Expressing surprise, Dr. Chang asked who had signed the letter, and was informed of the identity of the signatories. Shortly thereafter, on the same date of May 20, 2006, Kwen-Jen Chang in a subsequent telephone call to the undersigned attorney, agreed that the undersigned attorney would deliver the files of Ardent Pharmaceuticals, Inc. to Kwen-Jen Chang, in concluding the undersigned's representation of Ardent Pharmaceuticals, Inc. The files were correspondingly delivered to Kwen-Jen Chang on May 20, 2006, to enable such action to be taken by Ardent Pharmaceuticals, Inc. as is proper under the circumstances, consistent with the undersigned's prior notification of withdrawal and to avoid any prejudice to the interests of Ardent Pharmaceuticals, Inc. by further delay in delivery of that company's files. This action will permit Ardent Pharmaceuticals, Inc. to directly resolve any issues of ownership and legal representation. In the undersigned's delivery of the files to Ardent Pharmaceuticals, Inc., Kwen-Jen Chang has being advised to secure new counsel immediately so that the interests of Ardent Pharmaceuticals, Inc. are protected. Sufficient time therefore has been provided for Ardent

Pharmaceuticals, Inc. to secure services of another registered patent practitioner. A current docket calendar for Ardent Pharmaceuticals, Inc., through September 1, 2006, has also been furnished to Ardent Pharmaceuticals, Inc. with the delivered files, with the recommendation that Ardent Pharmaceuticals, Inc. undertake immediate steps to verify all due dates and actions required, to protect the company's intellectual property rights.

Inasmuch as (i) Ardent Pharmaceuticals, Inc. has received delivery of its files in conclusion of the representation of Ardent Pharmaceuticals, Inc. by the undersigned attorney and his firm, (ii) such delivery of files to Ardent Pharmaceuticals, Inc. was effected on May 20, 2006, and (iii) Ardent Pharmaceuticals, Inc. has failed to pay invoices issued since August 2005 and totaling \$65,681.94 as of May 20, 2006, it is requested that the USPTO:

- confirm the withdrawal of the undersigned attorney and attorneys of his firm associated with Customer Number 23448, under the provisions of 37 CFR 10.40, and
- direct all future correspondence relating to the above-identified patent application, to:

Dr. Kwen-Jen Chang
Ardent Pharmaceuticals, Inc.
104 Sierra Drive
Chapel Hill, NC 27514

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4080-130

APPENDIX A

RECEIVED

MAY 18 2006

IPTL

FACSIMILE

Moore & Van Allen

FROM	Marianne Fuierer
DATE	May 18, 2006
TIME	6:11 PM

Marianne Fuierer
Attorney at Law

T 919 286 8089
F 919 416 8389
mariannefuierer@mvalaw.com

PAGES INCLUDING COVER SHEET	3	USER NUMBER	2281
CLIENT/MATTER	021304.0		

Moore & Van Allen PLLC

430 Davis Drive
Morrisville, NC 27560

Mailing Address:
Post Office Box 13706
Research Triangle Park, NC 27709

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Attention:

	NAME	COMPANY	TELEPHONE	FACSIMILE
1	Steven Hultquist			419-9354
2				
3				
4				
5				
6				
7				

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Charlotte, NC
Charleston, SC

Mount Cook Biosciences, Inc.
Paramount Biosciences, L.L.C.,
787 Seventh Avenue - 48th Floor,
New York, NY 10019.

RECEIVED
MAY 18 2006
11:43

May 18, 2006

Mr. Steven Hultquist
Intellectual Property/Technology Law
P. O. Box 14329
Research Triangle Park, NC 27709

VIA FACSIMILE: 919-419-9354

Re: Transference of Enhance Biotech/Ardent Files
From IPTL to Moore & Van Allen PLLC

Dear Mr. Hultquist:

This letter is to inform you that Mount Cook BioSciences, Inc. has purchased the intellectual property of Enhance Biotech/Ardent. Mount Cook BioSciences, Inc. has decided to transfer all files held by Intellectual Property/Technology Law (IPTL) to Moore & Van Allen, PLLC (MVA). These files include all pending applications, all issued patents, all foreign pending applications and issued patents and all abandoned matters.

We want to make sure that the transfer of files occurs in a timely and prudent manner. This is especially important with respect to pending action items, outstanding Office Actions, annuities, bar dates and other deadlines. With this in mind, please prepare the Enhance Biotech/Ardent files for transfer to MVA by May 26, 2006 along with an inventory of files being transferred and a list of docket items coming due in the next two months. We recognize that this is a limited amount of time to prepare the files for movement to MVA but we also know that under North Carolina Law a licensed attorney has neither the ethical nor the legal right to delay or withhold a client's files when the client requests such a transference.


MVA will send a courier on May 26, 2006 to take possession of the files. Once MVA receives the files, they will be checked against the inventory, and MVA will confirm receipt of the files in writing.

Please forward a copy of all correspondence that you send or receive that is related to Enhance Biotech/Ardent matters to Marianne Fuierer at Moore & Van Allen, PLLC, and P.O. Box 13706, Research Triangle Park, NC 27709.

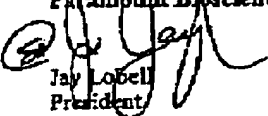
Of course, our ultimate goal is to have all of the files quickly and efficiently transferred to MVA, and as such, we request your full cooperation with this matter. Further, if you have any questions relating to this request for transfer of files, please contact John Liatos of Paramount Biosciences, L.L.C. at the above-identified address.

Sincerely,

Enhance Biotech/Ardent


Chris Byers
President and CEO

Mount Cook Biosciences, Inc.
Paramount Biosciences, L.L.C.


Jay Lobell
President

cc: Marianne Futerer
John Listos

DUR1337296_1

APPENDIX B



Elaine F. Marshall
Secretary

North Carolina

DEPARTMENT OF THE SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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Date: 5/20/2006

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Corporation Names

Name	Name Type
NC Ardent Pharmaceuticals, Inc.	Legal
NC DELTA PHARMACEUTICALS, INC.	Prev Legal

Business Corporation Information

SOSID:	0384768
Status:	Current-Active
Date Formed:	12/21/1995
Citizenship:	Domestic
State of Inc.:	NC
Duration:	Perpetual

Registered Agent

Agent Name:	Corporation Service Company
Registered Office Address:	327 Hillsborough Street Raleigh NC 27603
Registered Mailing Address:	327 Hillsborough Street Raleigh NC 27603
Principal Office Address:	104 Sierra Dr Chapel Hill NC 27514
Principal Mailing Address:	No Address

Stock

Class	Shares	No Par Value	Par Value
Common	1500	Yes	N/A

For questions or comments about the North Carolina Secretary of State's web site, please send e-mail to [Webmaster](#).

APPENDIX C

Corporations Search Results

Page 1 of 1



Elaine F. Marshall
Secretary

North Carolina

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SearchType: Starting With

Search Date: 5/20/2006 12:39:34 PM

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Search Criteria: Enhance Biotech/Ardent

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